



Serial No. 10/731,453  
Attorney Docket No. 11948.0025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application:  
Rajeev Joshi et al.

Serial No.: 10/731,453

Filed: December 9, 2003

For: WAFER-LEVEL CHIP SCALE PACKAGE AND  
METHOD FOR FABRICATING AND USING THE  
SAME

Confirmation No. 4432

Group Art Unit: 2891

Examiner: Zarnecke, David A.

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION FOR WITHDRAWAL OF FINALITY**

In response to the final Office Action dated June 12, 2006, Applicant respectfully requests withdrawal of the finality of that Office Action in light of the following remarks.

This petition is being concurrently filed with an Amendment and Request for Reconsideration that responds to the Office Action.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:  
Commissioner for Patents, Alexandria, VA 22313-1450, on this 12 day of  
September 2006.

Signed: \_\_\_\_\_

9/6/2006

REMARKS

The Examiner categorizes the Office Action of June 12, 2006, as a "final" Office Action. The previous non-final Office Action on the merits was mailed on January 25, 2006.

In the "final" Office Action, the Examiner ignored new limitations in the claims on the basis that they were new matter. Accordingly, all of the arguments addressed to that limitation were not considered by the Examiner and the previous rejection was maintained without the Office addressing that claim limitation and whether it was patentable over the prior art of record.

These arguments, and the limitation itself, should have been considered. Under the Office's own guidelines,

[i]f new matter is added to the claims, the examiner should reject the claims under 35 U.S.C. § 112, first paragraph - written description requirement. *In re Rasmussen*, 650 F.2d 1212, 211 USPQ 323 (CCPA 1981). The examiner should still consider the subject matter added to the claim in making rejections based on prior art since the new matter rejection may be overcome by applicant.

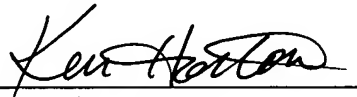
*See M.P.E.P. § 2163.06 (I) (emphasis added).* Thus, the Office should have not ignored this limitation and its associated arguments.

Accordingly, the Examiner has not considered this limitation as it should when it made the Office Action final. And since the Office Action is final, the Examiner will not now consider this limitation. But under the Office's guidelines, any subsequent action on the merits should not be made final if it includes a rejection of any claim amended to include limitations which should reasonably have been expected to be claimed. *See M.P.E.P. § 706.07(a).* And since the ignore claim amendments were actually present and M.P.E.P. § 2163.06 (I) dictates that they should have been considered, the Office Action of June 12, 2006, should not have been made final.

Accordingly, Applicant requests withdrawal of the finality of the Office Action of June 12, 2006, and consideration of this limitation and its associated arguments.

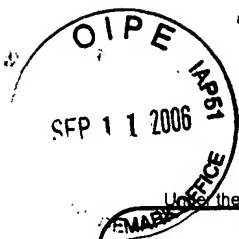
If there is any fee due in connection with the filing of this Petition, including a fee for any extension of time not accounted for above, please charge the fee to our Deposit Account No. 50-0843.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ken Horton", is written over a horizontal line.

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September 6, 2006



AF  
TFW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/731,453
	Filing Date	December 9, 2003
	First Named Inventor	Rajeev Joshi et al.
	Art Unit	2891
	Examiner Name	David A. Zarneke
Total Number of Pages in This Submission	Attorney Docket Number	11948.25

ENCLOSURES (Check all that apply)		
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<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Kirtan & McConkie		
Signature			
Printed name	Kenneth E. Horton		
Date	September 6, 2006	Reg. No.	39,481

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Signature	
Typed or printed name	Erin Cowles
Date	September 6, 2006

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